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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,176

07/14/2006

Waltherus Cornelis Jozef Bierhoff

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10/08/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BLOUIN, MARK S

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

10/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,176	<b>Applicant(s)</b> BIERHOFF, WALTHERUS CORNELIS JOZEF	
	<b>Examiner</b> MARK BLOUIN	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **Detailed Action**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 is rejected under 35 U.S.C. 102(b) as being anticipated by Miyazaki et al (US 5,870,376).

3. Regarding Claim 1, Miyazaki et al shows (Fig. 17) a disk cartridge, comprising: a disk (51) having a central hub (62) for engagement with a disk drive to drive the disk into rotation; and a housing (52) in which the disk is accommodated; the cartridge comprising a clamping member (62) to clamp the disk to one side of the cartridge housing (2) when the cartridge is free from the disk drive, wherein the housing and the disk have co-operating centering members (62d) for centering the disk with respect to the cartridge housing when the disk is clamped to the housing by the clamping member.

4. Regarding Claim 2, Miyazaki et al shows (Fig. 17) the cartridge, wherein one of the housing (52) and disk (51) comprises a circumferential conical portion (62d), while the respective other one has a circumferential portion (51a) that can engage the conical portion.

5. Regarding Claim 3, Miyazaki et al shows (Fig. 17) the cartridge, wherein the conical portion (62d) is provided on a projection on the inner wall of the housing, and the circumferential portion of the disk is provided at the hub.

Art Unit: 2627

6. Regarding Claim 4, Miyazaki et al shows (Fig. 17) the cartridge, wherein the hub (62) is cup-shaped and the inner edge of the cup forms the circumferential portion (51a) of the disk (51) co-operating with the conical portion (62d) of the projection.

7. Regarding Claim 5, Miyazaki et al shows (Fig. 17) the cartridge, wherein the clamping member (62) comprises at least a magnetized element (63) and a magnetizable element on the disk (51) and housing (52).

8. Regarding Claim 6, Miyazaki et al shows (Fig. 17) the cartridge, wherein the magnetized element (63) forms the projection on which the conical portion (62d) is provided, and the hub (62) is made of a magnetizable material.

9. Regarding Claim 7, Miyazaki et al shows (Fig. 17) the cartridge, wherein the inner edge of the cup-shaped hub (62) and the conical portion (62d) of the magnetized element (63) are substantially in linear contact with one another when the disk (51) is clamped to the housing (52), while the remainder of the magnetized element (63) is free of the disk (51).

10. Regarding Claim 8, Miyazaki et al shows (Fig. 17) the cartridge, wherein the magnetized element (63) is annular, and the housing wall comprises a projecting portion (52s) engaging the center of the annular magnetized element (63) so as to fix the magnetized element to the wall.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is 571-272-7583.

The examiner can normally be reached on M-F from 6:00 to 3:30 pm.

Art Unit: 2627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joe Feild, can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mark Blouin/

Primary Examiner of Art Unit 2627

Mark Blouin  
Patent Examiner  
Art Unit 2627  
September 29, 2008